The Complexity of Rehabilitation in Open and Closed Prison Setting

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Abstract

In Germany, prisoners have a constitutional right to rehabilitation ("resocialization"). In the *Lebach* judgment of 1973, a landmark ruling that served as the basis for the 1976 Prison Act (*Strafvollzugsgesetz* [StVollzG]), rehabilitation was seen by the German Federal Constitutional Court as part of the guaranteed rights of prisoners to retain their human dignity (Dünkel & van Zyl Smit, 2007, p. 350). The Prison Act contained two important provisions regarding prisoner rights: rehabilitation and normalization, the latter stipulating that living conditions inside prisons should resemble conditions outside prisons as much as possible. Together, these two provisions have contributed to the development of two types of prisons within the German prison system: open and closed prisons.

Using a Foucauldian approach, this study aims to examine and systematically compare the rehabilitation programs in open and closed prisons in Germany and the role that social workers play in the rehabilitation of prisoners in both types of prisons. Utilizing a case study approach, in-depth interviews with prison social workers and participant observation, the study will focus on two prisons in the Federal State of Germany in Saxony-Anhalt: Burg, a closed prison, and Magdeburg, an open prison.

The findings of the study revealed that various rehabilitation programs were offered at the two prisons, including educational, vocational, life skills, psychosocial, therapeutic and recreational programs. The study found that prisoners in open prison are more readily rehabilitated compared to those in closed prison. Furthermore, life in prison is characterized by control and organized forms. The study further revealed that social workers significantly impact the process and degree of rehabilitation of prisoners and therefore play a critical role in the successful reintegration of ex-offenders.

Key words: closed prisons, open prisons, Germany, rehabilitation, social workers, Foucault, discipline, punishment, disciplinary power, bio-power, surveillance.

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Chapter 1
Introduction

Introduction

In Germany, prisoners have a constitutional right to rehabilitation ("resocialization"). Yet, this has not always been the case. The emergence of criticism and protests over the German prison system in the late 1960s, which deemed prisons as "schools of crime", led to debates over the rehabilitation of prisoners, and a subsequent reform of the prison system which centered on rehabilitation (Dünkel, 2004a, p. 159). In the *Lebach* judgment of 1973, a landmark ruling that served as the basis for the 1976 Prison Act (*Strafvollzugsgesetz* [StVollzG]), rehabilitation was seen by the German Federal Constitutional Court as part of the guaranteed rights of prisoners to retain their human dignity. The Court defined resocialization as being "given the skills and the desire while in prison to learn to live in free society without committing further crimes, to grasp the opportunities given to him and to survive the risks that came with it" (*Entscheidungen des Bundesverfassungsgerichts*; decisions of the Federal Constitutional Court [BVerfGE] 35, 202: 235). In the *Lebach* judgment, the Court ruled that "the Constitution required that resocialization of offenders had to be the primary objective of the way in which the prison sentence was implemented and that therefore the law on implementation had to reflect this objective" (Dünkel & van Zyl Smit, 2007, p. 350).

The 1976 Prison Act, (officially called the Act Concerning the Execution of Prison Sentences and Measures of Rehabilitation and Prevention Involving Deprivation of Liberty of 1976) underpinned by these rulings by the Constitutional Court, significantly expanded prisoner rights in Germany, marking a "highly articulated rights culture and ambitious system of prisoners' rights protections" (Lazarus, 2004, p. 4). The Act "sets out foundational principles of prison administration, affords prisoners' positive rights, defines the limitations of prisoners' constitutional rights, and provides prisoners' recourse to Prison Courts" (Lazarus, 2004, p. 4). Regarding rehabilitation, Section 2 of the Prison Act declared "that the reintegration of the prisoner into society was the sole objective of the execution of a sentence" (Dünkel, 2004a, p. 159), specifying that "the prisoner shall be enabled in future to lead a socially responsible life without committing criminal offences" (Section 2 of the

Prison Act). Along with rehabilitation, another key provision of the Act under Section 3.1 emphasized "normalization" which stipulates that living conditions inside prisons should resemble conditions outside prisons as much as possible (Dünkel, 2004a; Prowse, Weber, & Wilson, 1992). Together, these two provisions of rehabilitation and normalization have contributed to the development of two types of prisons within the German prison system: open and closed prisons. While rehabilitation programs operate in both types of prisons, rehabilitation is emphasized in open prisons (Lentzy 2016). In open prisons, prisoners are entitled to "day leave" whereby they are permitted to work outside the prison during the day, returning by a specified time and sleeping in their prison dormitories each night. Furthermore, a broader range of rehabilitation programs and treatments are available at open prisons compared to the closed prisons (Ibid).

As ambitious as the Prison Act was in expanding prisoners' rights, as Dünkel (2004a) points out, the means of rehabilitation were never clearly conceptualized in the Act. This legal ambiguity has several implications. First, Dünkel (2004a) explained, "all the different measures mentioned by the act, such as labour, leisure time activities like sport, etc., visits, contacts with the outside world and forms of and periods of prison leave are seen as being 'rehabilitative'" (p. 159). Secondly, because of this lack of clarity, ambiguity remains over what constitutes as successful rehabilitations—in order words, when a prisoner is seen as rehabilitated—which has important implications for both the length of prison sentence and the experience of resettlement and reintegration by ex-prisoners (Maelicke 2009). Furthermore, because prison social workers are principally involved in prisoner rehabilitation programs (Maelicke 2009) and are hugely influential in determinations of prisoner rehabilitation and prison officials' decisions over prisoner release, the legal ambiguity leaves prison social workers with a great deal of authority over prisoners (Maelicke 2009). Lastly, ex-prisoners report significant challenges reintegrating into society after release, particularly in terms of securing housing and stable employment (Harding, 2014), indicating that the goal of rehabilitation declared by the Constitutional Court and Prison Act falls short in practice.

The insistence by the Constitutional Court and the Prison Act that rehabilitation be the "sole objective" of sentence executions raises theoretical issues as well. Under the German Prison Law, prisons aim to change offender behavior through training and therapy rehabilitation and prisoners should not be released from prison before she or he deemed to be rehabilitated. Social workers play an instrumental role in the prisoner rehabilitation process. If rehabilitation is the objective of delivering prison sentences, yet German prisons, like all

prisons, deprive liberty and restrict mobility of prisoners, the penal dimension of imprisonment becomes obscured. This raises several questions: Can the objective of imprisonment ever be solely about rehabilitation or is punishment an inherent element of imprisonment? How is rehabilitation of prisoners practiced? What is the relationship between punishment and rehabilitation in the German context? How might this relationship be revealed by comparing the environments and rehabilitation programs in open and closed prisons?

1.2 Study aims

Using a Foucauldian approach, this study aims to examine and compare the rehabilitation programs in open and closed prisons in Germany and the role that social workers play in the rehabilitation of prisoners in both types of prisons. Utilizing a case study approach and in-depth interviews with prison social workers and participant observation, the study will focus on two prisons in the Federal State of Germany in Saxony-Anhalt: Burg, a closed prison, and Magdeburg, an open prison. This study addresses the following research question:

1. *Does the prison context have significance for the implementation of rehabilitation programs in open and closed prison? And if so, what role does it play and how is it approached by social workers*

The phenomenon of open and closed prisons in Germany, especially in the legal context of constitutional and prison law jurisprudence which has emphasized rehabilitation for the past 30 years, provides the opportunity to apply Michel Foucault's theories of power, discipline, and punishment, particularly his concepts of disciplinary power and bio-power, to the practices of punishment and rehabilitation in German prisons. Doing so illuminates how disciplinary power, as exemplified in punishment, and bio-power, as exemplified in rehabilitation, work together to exercise a unique form of social control on prisoners that is obscured by the rehabilitative work done by social workers and the discourse of rehabilitation found in the 1973 Court decisions, 1976 Prison Act, and subsequent body of prison law jurisprudence since the landmark rulings and legislation.

1.3 Relevance to socio-legal studies

Taking a critical sociology of law approach, this study seeks to make meaningful theoretical and empirical contributions to the field of socio-legal studies by illuminating the process of prisoner rehabilitation in open and closed prisons in Germany and the role that social workers play in that process. According to Deflem (2008), sociologists of law conceive of law as "a particular category of rules and the social practices associated therewith" (p. 5). For Deflem, one of the unique contributions of sociology of law is

> a conceptualization of law that differs from and transcends its juridical understanding …sociologists do not confine law to the realm of rules formally enacted in the context of legislation. Instead, law is sociologically broadened to an institution that also includes an entire range of practices, actors, and agencies at various levels of analysis in multiple arenas of law. The sociological definition of law, importantly, involves not a mere broadening of the appropriate field of study, but implies an entire rethinking of law itself. (2008, pp. 275-6)

In focusing on prisoner rehabilitation in open and closed prisons, this study is situated within the sociology of law subfield of enforcement of law, which, in modern sociology, has been primarily studied within the context of the sociology of social control (Deflem, 2008). While many studies on law enforcement generally, and imprisonment in particular, now fall under criminology and the study of crime and deviance, sociology of law still maintains a conception of the sociology of social control. In this light, using a Foucauldian approach to the study of imprisonment is appropriate, given the influence that Foucault's work on discipline, punishment, and power has had on the sociology of social control (Deflem, 2008). Foucault's (1977) proposal that disciplinary power is productive and useful is of particular importance for the sociology of social control and law. As Deflem (2008) explained,

> [Disciplinary power] clashes radically with a traditional notion of power that is prohibitive and negatively oriented at inflicting pain on the body. Discipline clashes

with the vision of law as a prohibitive rule and of law enforcement as a reactive force imposed upon those who break the law. Disciplinary power instead attempts to positively influence the individual's soul into obedience. (p. 233)

Furthermore, Foucault's concepts of bio-power (1978, 2008a) and governmentality (1991c, 2014a, 2014b) extend the positive qualities of power, further breaking with a legalistic conception of law, through which Foucault argues that

the conduct of the members of a society is not subjected to, but implicated in, the exercise of sovereign power… in order to further the fertility of territories and the health and movements of the population…Instead of the law of monarch or state, the governmental norm comes to represent what is useful to and, conversely, what harms society" (Deflem, 2008, pp. 233-4)

1.4 Defining Open and Closed Prisons

There are two types of prison systems in Germany. Maximum security and minimum security prisons each have different characteristics (Boetticher & Feest 2004). The maximum-security institution known as the *closed prison* is designed to be a highly secure and controlled environment. The maximum-security prisons are used for dangerous inmates and those sentenced for long periods in prison. The approach is largely applicable to Burg maximum security prison.

Minimum security prisons are *open prisons*, which lack high security walls and fences, and prisoners are trusted to serve their sentences with minimal supervision, thereby promoting greater treatment efforts, such as work outside of the prison and education. These prisoners are deemed to have limited risk to the safety of the community and they have more contact with the outside world (Ibid). Open prison institutions are for offenders with short sentences, according to German Prison Act. The closed prison is used for those individuals who committed serious crimes and cannot be placed in open prisons. Meanwhile, a prisoner who has committed lower-level crimes, or after having been imprisoned for long time, must pass a

reasonable period and demonstrate appropriate behavior to earn a chance to be admitted to open prison (German Prison Act).

1.5 Study Area

The focus of this study will be two prisons in the Federal State of Germany in Saxony-Anhalt, namely, Burg and Magdeburg prisons. Magdeburg is the federated state capital city of Saxony-Anhalt and is approximately 31,7km from Burg. Burg is a high-security closed prison for long-term adult male prisoners and it is one of the largest modern prison facilities in Saxony-Anhalt. As of the end of April 2016, the male section of the prison had a population of approximately 623 prisoners. The prison is responsible for the enforcement of prison terms of more than three years (Lentzy, 2016). Magdeburg is a minimum-security open prison, in existence since 2014. The prison is located within a residential building. Magdeburg prison has no fences. Prisoners here are considered a low risk to the community. In open prisons such as Magdeburg, inmates are allowed to work outside of the prison and return to the prison after work (Lentzy, 2016).

Rehabilitation exists in both open and closed prison but in different contexts. In both, prisoners are obligated to work for prison administration, both inside and outside the prison (Lentzy, 2016).

This study also aims to make empirical contributions to the study of imprisonment in Germany and Europe. There is a substantial body of literature on European prison systems (Council of Europe, 2004; Haverkamp, Mayer, & Lévy, 2004; Padfield, Smit, & Dünkel, 2010; Ryan & Sim, 1995; Weiss & South, 1999), particularly the "exceptionalism" of Nordic and Scandinavian open and closed prisons (Barker, 2013; Eriksson & Pratt, 2014; Shammas, 2014; Smith, 2012, Lappi-Seppälä, 2012; Ugelvik & Dullum, 2012). Yet, the Germany prison system has received less scholarly attention by comparison (Albrecht, 2013; Becci, 2015; Boin, James, & Lodge, 2006; Egg, Pearson, Cleland, & Upton, 2000; Kury, Brandenstein, & Obergfell-Fuchs, 2009; Dünkel, 2004b; Jehle, 2015; Lazarus, 2004, 2006; Prowse et al., 1992; van Zyl Smit,1988; Weber & Feest, 1999). And, despite the ambitious legal reforms since the 1970s, there are few studies on prisoner rehabilitation in Germany (for exceptions see Dünkel, 2004a, Dünkel & Pruin, 2010; Lösel, 2001; Lösel & Egg, 1997; Morgenstern, 2011; Wachsmann, 2002). Furthermore, to my knowledge, there are no existing studies that

systematically compare the rehabilitation programs in open and closed prisons in Germany. This study aims to build on the existing bodies of literature on European and German prison systems by comparing the rehabilitation programs of open and closed prisons and the role of social workers in those programs.

1.6 Structure of the thesis

The thesis is structured in seven chapters. Chapter 1, the introduction, reviews the background, purpose, and research questions of the study, as well the connection to socio-legal research. Chapter 2 outlines the existing literature related to the study. Chapter 3 presents the theoretical perspectives which constitute the theoretical framework for the study, namely, Foucault's theory of power, knowledge, and discipline, as outlined above. Chapter 4 outlines the methods used to collect and analyse the data for the study. In Chapter 5, the results of the study are reported. Chapter 6 presents a discussion and analysis of the study results. Chapter 7 elaborates on the study's conclusions.

Chapter 2
Literature Review

This chapter outlines a review of literature relevant to the study of rehabilitation within open and closed prisons. Overall, the body of literature which examines open and closed prison systems in comparative perspective is quite limited. In Germany, there exists an abundance of literature on the rehabilitation of offenders and rehabilitation programs within correctional systems. Such existing research, which will be presented below, provides the current study with important contextual knowledge about the Germany correctional system, key concepts, as well as differences between open and closed prison systems, the implementation of prisoner rehabilitation programs, and the role of the social worker in the prison system.

2.1 What is a Prison?

A prison is a penitentiary or correctional facility in which individuals are legally and physically confined and deprived of certain freedoms. Many scholars and researchers share the view that imprisonment deprives prisoners of basic rights and negatively affects prisoners both physically and mentally effects, leaving them powerless and institutionalized (Clemmer, 1958; Cohen, 1979; Cohen & Taylor 1981; De Viggiani, 2003). A growing body of literature discusses how people adjust to prison life. Certain scholars argue that prisoners face mental health problems (Clemmer, 1940; Irwin & Cressey, 1962; Sykes, 1958; Toch, 1977; Zamble & Porporino, 1988). Sykes (1958) developed the concept of "pains of imprisonment" to describe the various conditions, forms of deprivation, and prisoner experiences that exist within the prison institution. The author identified five categories of deprivation within prison life: goods, services, autonomy, sexual relations, and security. Thus, for Sykes, prisoners are forced to adjust to life in the total institution environment, undergoing the trial of prison life (Clemmer, 1958; Sykes, 1958). Sykes observed that, above all, the most difficult aspect of the "pains of imprisonment" is that the prisoner's recognition that "the confinement of the

criminal represents a deliberate, moral rejection of the criminal by the free community" (Sykes, 1958, p. X, cited in Jewkes & Johnston, 2006, p. 164).

Scholars have also examined other dimensions of prisoner mental health. Snacken (1997) found that prisoners who serve long-term sentences suffer from insecurity and low self-esteem. The author further determined that prisoners serving life sentences need particular attention as they cannot draw on other coping mechanisms or supports to aid their adjustment to imprisoned life. Other researchers have argued that as long-term prisoners lose their relations with the outside world, they engage in a more intensive use of internal prison programmes and are better adjusted to the disciplinary aspects of prison life (Bonta & Gendereau, 1990; Cohen & Taylor, 1972). Thus, as prisoners become better adapted to life in prison, they increasingly comply with prison regimes.

Such research reinforces the widely-held claim is that long-term imprisonment is destructive to the emotional well-being of prisoners (Goffman, 1961; Snacken, 1997; Sykes, 1958). To cope with imprisonment, they must learn to adopt new life. Lazarus and Folkman (1984) explained that as prisoners undergo a life sentence, they must adjust in three principle ways: practically to their new environment; socially, in order to interact with staff and inmates; and finally, psychologically, involving both problem- and emotion-based coping (Lazarus & Folkman 1984).

Some scholars have argued that prison provides opportunities for recovery and improvement of one's health (Woodallet al., 2014). Adapting to the prison lifestyle can involve using one's time in prison for personal transformation, providing an opportunity to escape the monotony of the routine and regimen (Behan 2014). However, prison institutions can vary enormously with regard to the program treatment and services offered, as well in terms of security levels, architecture, the condition of the prison, and prisoner population rates, all of which may influence the degree of personal transformation that is possible (Viggiani 2007).

2.2 Open and closed prisons

The German prison is state-funded and run by state officials. German prisons have no private or federal prison model. Typically, they are situated within cities or in nearby suburban communities. The urban location of prisons makes it easier for families to visit their

incarcerated loved ones, and for prisoners to use the community for home leave, work and educational opportunities (Simon, 2001, p. 54-55).

The two types of prison facilities—open and closed—reflect the two-tier security level classification within the German prison system (Aronowitz, 2008). The closed prison is a high-security prison facility with a large and strong security presence while open prison facilities are deemed low-security. The closed prison represents the most restrictive level of imprisonment, reserved for prisoners who are considered to be extremely violent and dangerous, posing a severe risk to society. Under close prison facilities, inmate mobility is highly restrained and supervised by correctional staff. The housing arrangements for close facilities are comprised of cells with sliding cell doors that are controlled from a secure control station. Prisoners are allowed out of their cells to work or participate in corrective programs inside the facility (Aronowitz, 2008; Bradford 2006(.

The German Prison Act states the prisoners in open prisons experience a more positive social environment which is more favorable to their physical and mental health. Living conditions in the open prison differ substantially from the closed prison, the key difference being that the prisoner in the open prison has contact, albeit managed, with outside world. Thus, the German open prison helps the prisoner to better prepare for life after release. The open prison operates based on the principles of trust, tolerance, honesty, and loyalty. Prisoners are required to work and must demonstrate responsibility. Open prisons are increasing in number in Germany, which reflects a growing trend toward a healthier and easier administration of punishment (Aronowitz, 2008).

The open prison promotes a positive group climate, including a sense of safety, which can reduce competition and aggression among inmates and workers (Heynen et al., 2014). Mastrobuoniyand and Terlizzese (2014) have shown that a more positive group climate is associated with significantly fewer behavioral problems outside the prison and a decreased risk of recidivism. Other research has shown that such a climate can facilitate successful rehabilitation and ensure institutional treatment (Heynen et al., 2014).

Open prisons provide prisoners with contact to the outside world, which in turn promotes an easier transition for prisoners to return to life in society after release. Dressel (2008) suggested that open prisons systems provide effective supervision for prisoners, allowing measurable rehabilitation of inmates. Hein's (2014) study in northern Germany found that the German penal system in Hamburg is in the process of upgrading the way it

prepares prisoners for release. The new state laws establish uniform goals related to the preparation of prisoners to lead a socially responsible life without criminal offense after release. They define effective rehabilitation as integrating the released prisoners socially to prevent further offenses.

The successful rehabilitation of prisoners remains the biggest challenge for the German penal system. The German states require massive funds to administer their rehabilitation programs, such as education and work, in both open and closed prisons, resulting in high costs of imprisonment (Dressel, 2008).

2.3 The German Prison System and Legislation

Germany is a Federal Republic consisting of 16 states, each of which has its own Parliament. The federal criminal justice system is divided between federal and state levels. Generally, policing is a state matter even though there are federal police forces. Thus, states are responsible for crafting and passing legislation concerning public order and the administration of police forces. The prison system is part of the administration of the federal state; each state has its own prison department that applies rules, organizes, and controls the state´s prisons. Furthermore, each state is responsible for the funding and maintenance of its courts; the federal republic is responsible for the highest courts which act as final appeal courts for the state courts and therefore ensure the uniform interpretation and development of law (Drenkhah, 2014 :186; Oberwittler & Höfer 2005).

The Federal Prison Act (FPA) was passed in 1977, applying only to corrections. The goal of the FPA was to provide a framework for the rights and duties of prisoners and to institute a system within the special court. The FPA includes a number of formats for issues such as leave of absence, release day, prison furlough, and work release program. The FPA was established by the sixteen federal states and only by the states (Boetticher & Feest, 2004).

The German Prison Law of 1977 (*Stafvollzugs gestezt*) states that, as part of their sentences, prisoners should be trained to be able to organize their lives responsibly in society. The legislation thus focuses on preparing prisoners for their successful release back into society with the intention of protecting the public from further offenses. Life in prison is conducted in accordance with § 3 StVollzG, to allow the general conditions of life, as far as

possible, to be harmonized. The aim is to counteract the harmful effects of imprisonment and to help the prisoner to reintegrate into life of freedom upon release (Boetticher & Feest, 2004).

2.3 Defining and contextualizing rehabilitation

The rehabilitation of offenders serves as the main objective of the German penal system, with the purpose of reducing the criminal behavior of the offender. According to Sechrest, White and Brown (1994, p. 6) the reduction of criminal behavior can be mediated by personality, behavior, abilities, attitudes, or other factors. Ploch (2012, p. 829) stated that "rehabilitation of prisoners is a valuable, worthwhile, and positive goal, and should be pursued within all modern prison systems".

According to Cornel (2009), the term "rehabilitation" refers to an ongoing, changing, and evolving process. The author proposed that rehabilitation refers both to the objective of the penal system and to a condition of the criminal purpose. For Cornel, the concept of rehabilitation should include programs and resources both during and after completion of one's prison sentence. In prison, rehabilitation should include the provision of advice and support for personal problems and overall aid with improving the prisoner's life. Upon release, rehabilitation should include social welfare assistance to address financial needs as well as drugs and alcohol problems, anger management support, as well as vocational education and training program resources (Cornel 2009)

German prison systems promote rehabilitation programs as the primary means for achieving criminal justice for offenders. Such programs offer prisoners the opportunity to reform and reintegrate back into society to lead a crime-free life upon release. The most common rehabilitation process is either long- or short-term work and education treatment, and can vary greatly in terms, depending on funding and intensity of the program. However, an offender cannot be rehabilitated unless he or she is willing (Ploch, 2012).

Nevertheless, rehabilitation offers offenders a way to maintain and further develop their personal dignity and ensures that they receive the educational training and other skills that will prepare them for a successful life in society after release. Ploch (2012) argued that the promotion of human dignity should be the primary strategy for prisoner rehabilitation, given the central role human dignity plays in such rehabilitation. A human dignity approach

focuses on developing this sense of dignity within the individual prisoner and a concern with equality among human beings, rather than on how the larger society benefits from his rehabilitation. Additionally, the German legal system recognizes both the right of human dignity and a right to rehabilitation. Thus, the concept of dignity has significant implications for the right to rehabilitation in Germany (Ploch 2012).

2.4 Rehabilitation program

The German correctional system aims to protect the public by incarcerating and supervising offenders and rehabilitating them through work programs and treatment services. Work and education are the most significant treatment measures for the prisoner. According to the German Prison Law, work is obligatory for prisoners and there are many provisions about work and education (Drenkhah, 2014, p. 186).

The rehabilitation process reflects the philosophy that offenders need to accept responsibility for their criminal act so that they may deviate from such acts in the future. The role of rehabilitation enables offenders to progress by learning new work skills and complete educational programs that will assist them successful reintegration into society after release. In Germany, the rehabilitation programs encompass a wide range of activities, all of which aim to eliminate the conditions which led to inmate's illegal behavior (Balfour, 2003, p. 46).

The growing body of literature on prisoner rehabilitation primarily focus on education (Behan, 2014 ;Dawe,2007), substance abuse prevention (Michels II et al., 2007; Boetticher & Feest, 2004), mental health services (Lambert et al., 2007), and obtaining housing (David J et al., 2014). Boriboonthana and Waipo (1999), suggest that prison work has important implications for treating and rehabilitating prisoners. Work is an essential part of the rehabilitation process, with the aim of keeping prisoners busy with daily activities and preparing them for employment upon release. Prisoners work for large companies such as electrical installation work, as well as in other trades, such as tailoring, metal working, and cleaning (Cullen & Santana, 2002).

While vocational training in prison can be viewed as part of prison work, its educational dimension distinguishes it from other forms of work, thus serving a distinctive role in rehabilitation. Previous studies have revealed educational programs within vocational

training to be particularly important in a correctional environment because they improve prisoners' cognitive skills (Behan, 2014 ;Dawe,2007); as part of the process of transformation, this has a strong effect on reducing recidivism (Dawe,2007).

Many correctional facilities provide educational programs (Behan, 2014; Farley et al., 2016). In terms of rehabilitation, education is particularly important given that many prisoners are less educated, have fewer marketable skills than the general population, with higher rates of illiteracy (MacKenzie, 2006). The success of education and training programs offer prisoner an incentive for good behavior which, in turn, helps to reduce prisoner assaults (Ross, 2009). Furthermore, there are substantial benefits to prisoners in offering vocational education over higher education, especially for those with long sentences or mental health issues (Farley et al. 2016).

Implementing substance abuse treatment has become a crucial but still underdeveloped element of the rehabilitation process in Germany. The majority of prisoners in Germany are drug users (Michels II et al., 2007), yet only six out of 16 federal states offer substance abuse treatment for prisoners. Furthermore, the admission criteria differs among these six states and substance abuse treatment is not available in every prison within those states (Ibid) According to the German Prison Act, each of the 16 federal states is independently responsible for providing adequate medical care to prisoners (Boetticher & Feest, 2004). One treatment that all prisons are required by law to offer is the implementation of methadone maintenance treatment (MMT) as mandatory for all methadone prisoners, often provided by prison staff, alongside health or social workers. The MMT has proven to be an effective drug treatment with positive results in Germany. However, it remains expensive to administer, especially when the number of methadone patients increases (Boetticher & Feest 2004).

Besides substance treatment, there are various forms of therapy used within the prison, such as insight-based therapy, cognitive therapy, and behavior therapy. Psychological interventions attempt to change the individual inmates' behavior, using behavior modification, aversion, social learning, cognitive-based therapies, among other methods (Lambert et al., 2007). According to Lambert et al., (2007), of all the various therapies and treatments offered as part of rehabilitation programs, cognitive-behavioral therapy has had the greatest success in in reforming prisoners and offers the most promising psychotherapy treatment program, based on demonstrated behavioural outcomes. The program is based on

cognitive, behavior, and learning, with an emphasis on active learning. Cognitive programs have been effectively implemented in community corrections, juvenile facilities, adult prisons, and substance abuse programs.

Social learning theory is another intervention used for preparing prisoners for release into the community. Social learning programs offer tools to promote self-efficacy and self-motivation. The theory supports the idea that learning takes place in social context. As Astray-Caneda et al. (2010, p. 3(explained, "people learn from observing others 'behavior and the outcomes of those behaviors." The authors posited that a social learning approach can also help reduce recidivism. Many ex-prisoners struggle to cope with the social stigma of having been imprisoned, especially those who served long sentences, and have difficulties finding accommodations and job, leading to a high rate of recidivism. The authors explained how recidivism can successfully be reduced by providing jobs and vocational training in prison settings and by offering assistance in the job search process upon release.

Prisoner visitations have also shown to be beneficial for rehabilitation. Cochran et al. (2013) found that having contact with friends and family can have positive impacts on prisoner behavior, especially among those serving long sentences, and help prisoners cope with the transition back into society upon release. Prison reforms are reflecting such findings by increasingly allowing prison have contact with the outside of world through phone calls, letters, and contact visits. Prisoners held in both open and closed prisons are allowed to receive visits from friends and family. Sykes (1958) found that contact with family during incarceration can help reduce the pain prisoners may feel with regard to their imprisonment, thereby reducing the risk of suicide.

On the whole, the rehabilitation programs in which offenders participate can lead to their successful and effective societal reintegration after release, partly through promoting behavioral changes. Counsellors and prison administrators may establish long-term, comprehensive programs, which are more likely to lead to successful rehabilitationCochran et al. 2013)

2.5 Community reintegration

Some scholars argue that offenders who have not been rehabilitated by the correctional system while serving their sentences are not prepared to integrate into society, given the

central importance of social support, employment, and housing to enable a successful transition (Seiter & Kadela, 2003). When prisoners are released back into our communities, they receive little or no supervision. Given this, if they are not prepared or informed of the available resources to aid them in rebuilding their lives, many will fail and fall back into old habits and return to criminal activity (Agnew, 2005; Bellair & Kowalski, 2011; Seiter & Kadela, 2003). For example, some ex-prisoners still struggle with alcohol and substance abuse and are unaware of programs that are available to assist them.

2.6 The role of social workers in the prison system

The implementation of rehabilitation programs involves all professional groups working in the prison system, including law enforcement officers, administrators, psychologists, doctors, teachers, social workers, and the prison governor. Social workers assume a particularly important role in discharge planning and assisting prisoners with their transition back into the community (Cox, Bixby, & Root, 1933). Maelickes (2009) explained how the process of rehabilitation plays out, in part, through the interactions between prisoners and social workers. Prison-based social work is regulated under Article 71 of the German Prison Act; according to the act, each prisoner has the right to receive social support, including health care and education. This support aims to help prisoners resettle and conduct their affairs independently upon release.

The German Prison Act (Article 155, paragraph 2) also stipulates that the incarceration must offer social services provided by social workers. Working collaboratively with other criminal justice authorities, probation officers, and the broader system of social services, (Mutz 2008), social workers in penal institutions carry out a wide range of practical duties. Such duties include offering support to the families of prisoners (Gibelman, 2005; Rainford, 2010) and encouraging and facilitating a client's increasing self-reliance and capacity to solve their problems upon release from prison. Perhaps the most important task for the social worker is to make arrangements for prisoners to access an array of services, such as housing, employment, drug and alcohol addiction counseling, once released so that prisoners have the best chance at making a successful transition back into society. Whether working inside or outside of the prison system, the social worker aims to meet the needs of their clients, including offenders, ex-offenders, and their families (Möller, 1997: 38).

Yet, despite the German Prison Act's mandate to offer social worker services in prisons, Möller (1997) observed that in most correctional systems in Germany, the presence of social workers remains limited. The massive social spending cuts and increasing security concerns have resulted in less forward progress with regard to rehabilitation programs and the place of social workers in such programs, largely abandoning prisoners (Möller 1997).

Working in prisons is quite distinctive from working in other types of organizations. Lamberta et al. (2016) suggested that the prison environment tends to be stressful because it involves confining, against their will, individuals who have been convicted of violating criminal law. Often, social workers in prisons struggle with role-related problems, such as role incongruity, role ambiguity, and role conflict, the stress of which can, in turn, cause role strain, profoundly affecting job satisfaction in many cases.

Like social workers, prison officers face difficulties in balancing the complexities of roles that their job entails. First and foremost, they play a control and surveillance role to ensure the security and safety of the prison. They must integrate this role with that of caring for the prisoners' welfare and rehabilitation. While these roles are obviously interconnected and can be mutually supporting—improvements in prisoner well-being and behaviour could reasonably be expected to contribute to a safer, more secure prison environment—balancing these two dimensions can be difficult (Cianch, 2009). According to Lamberta et al. (2016), prison staff struggle with job stress, job involvement, job satisfaction, and organizational commitment. The presence of social workers can alleviate such difficulties, who also offer social support to prison staff to help them cope with the unique strains and challenges encountered in a prison work environment (Lamberta et al., 2016).

In conclusion, the literature reviewed in this chapter have shown that the concept of rehabilitation is embraced by offenders and the German correctional system alike. Given the prisoner's right to rehabilitation before released, protected under the German Prison Law, incarceration in Germany serves at least two purposes: punishment and rehabilitation. By supervising offenders and providing work, education, vocational training programs, and treatment services while they are in prison, the German correctional system contributes to the rehabilitation of prisoners, with social workers playing a particularly important role in the rehabilitation process. However, as previous research has shown, such reformation tends to be more successful in open prisons compared to closed. This is largely due to the fact that, in

open prisons, prisoners have more contact with the outside world and can work outside the confines of the prison setting.

Chapter 3
Theoretical framework

This chapter elaborates Michel Foucault's theory of power, which constitutes the theoretical framework for this study. The chapter will provide an overview of his theory as well as its application to his work on the rise of the modern prison and modern forms of punishment in order to illustrate the relevance of his work to socio-legal studies broadly and to the present study on prisoner rehabilitation in Germany. Foucault's work offers an understanding of the prisoner's experience, the role of discipline in the exercise of power, and how prison surveillance amounts to controlling the bodies of prisoners. Applying Michel Foucault's theories on power, discipline, and punishment, particularly his concepts of disciplinary power and bio-power, to the practices of punishment and rehabilitation in German prisons will help to illuminate how disciplinary power, as exemplified in punishment, and bio-power, as exemplified in rehabilitation, work together to exercise a unique form of social control on prisoners that is obscured by the rehabilitative work done by social workers and legal discourses in Germany.

3.1 The built environment, power, and space

Michel Foucault developed several theories concerning the built environment, power, and space. He discussed how the prison emerged and developed and why, applying his three fundamental analytical concepts—power, knowledge, and the body—in an attempt to make sense of the roles of the institution of prison and punishment in society. In *Discipline and Punish* (1977), Foucault outlined four principles which characterize the spatial distribution of prisons, schools, factories, and naval hospitals in the late 18th century. For Foucault, power and knowledge are inextricably intertwined. According to Foucault, we are controlled (power) by discourse (knowledge) used to observe and define us through three aspects of surveillant panopticism, namely supervision, control, and corrections.

Foucault identified several fundamental features of penal control: the planning and surveillance of routine and scheduled activities; the organization of technical forms of expertise in the form of classification; and the examination and correctional training of individuals. He posited that power is the central operating force in prison. Power affects

everyone from the prisoner to the prison staff, yet, no one individual can control it. Power is a strategy, not a property; a strategic event in the relations between people. Power operates and exists through people as a relation.

In practice, *Discipline and Punish* developed Jeremy Bentham's work on the panopticon. Foucault used the panopticon as a model to understand the form of modern government, which is based on monitoring through visibility. The vision for the panopticon was a building for prisons in the late 18th century designed so that the tower guards were invisible to the prisoners who were being observed, allowing the observer to see without being seen. Foucault argued that the overall effect of the panopticon was to induce in the inmate a state of conscious and permanent visibility. Discipline emerges in the principle of the panopticon surveillance (p. 80).

The panopticon is the paradigmatic example of surveillance; for Foucault, surveillance tends to manifest across and throughout the social body. From this, Foucault also saw how the panopticon serves as a model for schools, the hospital, and society as a whole. He explained how the panoptic schema spreads to other parts of society, thereby creating a society with an indefinitely generalizable mechanism of panopticism, ensuring that power relations can be spread even at the micro level.

Foucault also developed the spatial concept of *heterotopia* (1966/2005; 1968/2008), shedding light on other defining features of modern prisons and their functioning, among other cultural, institutional, and discursive spaces. Foucault outlined the concept most thoroughly in a 1967 lecture given to a group of architects titled, "Des Espaces Autres. Hétérotopies" ["Of Other Spaces. Heterotopias"] (1968/2008). As Foucault described in his 1967 lecture, broadly, heterotopias are spaces and places which exist only in relation to other spaces, signifying difference from and contrast with those spaces, simultaneously mirroring and distorting them. They "interrupt the apparent continuity and normality of ordinary everyday space…interject[ing] alterity into the sameness, the commonplace, the topicality of everyday society" (Dehaene & De Cauter, 2008, pp. 3-4). Foucault used the mirror as metaphor "for the contradictions between the image and reality" (Boedeltje, 2012, p. 1).

Contrasting these heterotopic spaces with utopias, Foucault noted that both are intertwined with other spaces and "yet are at variance somehow" (2008, p. X). What distinguishes these two types of spaces is that, while utopias are wholly imaginary and illusory, heterotopias are "actually localisable" (2008, p. X). Foucault described two main

types of heterotopic spaces. The first, *heterotopias of crisis*, belonging primarily to pre-modern societies, are spaces that can "simultaneously accommodate often violently contradictory differences" (Pugliese, 2009). The second, *heterotopias of deviation*, representing the modern heterotopia, are "those in which individuals whose behavior is deviant in relation to the required mean or norm are placed. Cases of this are rest homes and psychiatric hospitals, and of course prisons[…]" (Foucault, 2008b, p. X) as well as hospitals and army barracks. As Cenzatti (2008, p. X) put it, "In short, modern heterotopias…are for deviants, people who do not fit in the dominant social norm and, even if individually they may return to productive, normal, social roles, as a group they remain excluded from the working of society".

Heterotopias of deviation refer to institutions where an individual's behavior occurs in places set apart from the outside world, such as hospitals, asylums, prisons, rest homes, and army barracks. The prison can be viewed as one such place because it relies on fundamental rights based on both movement and self-responsibility in the society. As Foucault describes heterotopia refers to at the same time and placed as the real space. According to Baer and Ravnberg (2008) their work based on Foucault's work on the difference between prison inside and outside. The authors' view is that heterotopia especially related to prisons because imprisonment becomes excluded from society. Prison is much more of a symbol than a reformatory institution.

3.2 From disciplinary power to bio-power

Foucault defines bio-power as "the increasing ordering in all realms under the guise of improving the welfare of the individual and the population" (Dreyfus & Rabinow, 1983, p. xxv).

The development of disciplinary power formed the focus of Foucault's seminal work, *Discipline and Punish*. Foucault applies his method of genealogy to trace changes to Western penal systems that led to the emergence of the prison as a modern form of punishment in early 19th century as a means to trace and highlight the West's changing approach to discipline. In doing so, he "concentrates on the "carceral" practices which gave birth to the sciences of man and gave man and society a form which is amenable to objective

(archaeological) analysis" (Dreyfus & Rabinow, 1983, p. xxv). In his book, Foucault presents three distinct regimes of punishment that were practiced in Western Europe between the 18th and 19th century: sovereign torture, humanist reform, and imprisonment. Foucault's primary objective in his study was to uncover why this dramatic shift in punishment occurred in such a short period of time, exploring the changing rationaleand techniques of punishment. Yet, rather than attempt to reconstruct the history of the prison system, he aimed to "trace the emergence and consolidation of a set of disciplinary strategies which, he argues, provided the basis for a new regime of punishment" (Driver, 1994, p. 119).

In the mid-18th century France, criminals were submitted to punishment in the form of public spectacles of torture and execution which served to theatrically display the power of the sovereign. As Foucault described in the opening to *Discipline and Punish*, these individuals were typically forced to confess their crimes as they had boiling oil poured on them before being drawn and quartered by four horses and then burned to ashes (1977, p. 3). These public executions served as both a judicial and political ritual, for the crime, as a breach of law, represented a breach against the sovereign: "Besides its immediate victim, the crime attacks the sovereign: it attacks him personally, since the law represents the will of the sovereign; it attacks him physically, since the force of the law is the force of the prince" (Foucault, 1977, p. 47). The sovereign punishes the criminal in order to redress the injury done to his kingdom as well as to his very person; the intervention is thus "a direct reply to the person who has offended him" (Foucault, 1977, p. 47). A crime committed is seen by the sovereign as an act of war; "the right to punish, therefore, is an aspect of the sovereign's right to make war on his enemies" (Foucault, 1977, p. 48).

But by the beginning of the 19th century, "the great spectacle of physical punishment disappeared; the tortured body was avoided; the theatrical representation of pain was excluded from punishment" (Foucault, 1977, p. 14). The public execution first gave way to humanist reform over the course of the 18th century when "a group of humanist reformers articulated a new discourse, one which attacked the excess of violence, the flaunting of sovereign power, the glories of mob revenge" (Dreyfus & Rabinow, 1983, p. 147). Introducing a notion of rehabilitation, they proposed a new form of punishment which would "both redress the wrong done to society and bring the offender back to his rightful and useful place in society" (Dreyfus & Rabinow, 1983, p. 148). Emphasizing leniency, efficiency, nonabitrary application, deterrence, and rehabilitation, this new form of punishment generally took the form of public works. This marked a shift in the treatment and view of the criminal's

body from property of the sovereign, under the penal system of punishment as public execution, to property of society as a whole, "the object of a collective and useful appropriation" (Foucault, 1977, p. 109).

Foucault acknowledged that disciplinary methods were by no means new. However, what was new during the 17th and 18th centuries was that "the disciplines became general formulas of domination" (1977, p. 137). During this period, a new political anatomy was born which defined how one may have a hold over others' bodies. This political anatomy emerged out of the Age of Enlightenment, in which reason was advocated as the primary source of legitimacy for authority and individualism and liberalism were emphasized As France and the West generally became increasingly reliant on scientific discourses which made claims to epistemic privilege, such discourses became embedded in various institutional forms includes armies, schools, hospitals, and prisons. Power itself was of a different nature than before. The disciplines represent this major shift in how power operates in society, and Foucault shows how this becomes exemplified in how the body is treated. The body as a site of power changes because power is changing. In an interview after he published *Discipline and Punish*, Foucault elaborated on the shifts in power he observed during this period:

3.3 Power as power/knowledge

Prior to Foucault, social theorists understood power as exercised by dominant groups (such as the bourgeoisie according to Marx) over subordinate and exploited groups. In a dramatic departure from such conceptions of power *over* an individual or group, Foucault analyzes power *through*, examining power in its more diffuse rather than structural forms. In doing so, he offers a distinctive lens through which to understand how fundamental dynamics of power in society, including state power, punishment, and conformity, one that has had a lasting influence on our understandings of power. Foucault posits that power is dispersed, moving through subjects who are full participants in how power flows in society. Thus, in Foucault's view, power is not limited to the dominant but is also exercised by subordinate groups. It is ubiquitous and multidirectional, creating a web of action and reaction. This relationality of power is facilitated, in part, through the production of knowledge and thus, power and knowledge are inextricably bound. He presents in meticulous detail the way in which power maintains a symbiotic, mutually reinforcing relationship with knowledge. Knowledge and

power are both relational and decentralized, both operating within complex matrices of interactions that are pervasive across society.

Yet, Foucault denied developing a general theory of power; he found general theories to be problematic. For Foucault, power is difficult to generalize in part because the way it operates is always contextual. Thus, as Driver (1994, p. 117) explained, "Rather than seeking the essence of power in some simple theoreticalformula, Foucault posed apparently more modest questions about how power isexercised in particular sites and settings".

Foucault argues that power moves through subjects in society, that subjects are full participants in how power flows in society. This possibility is reflected in Foucault's understand of power as a discipline. As discussed earlier, in *Discipline and Punish*, Foucault notes that in the 17th and 18th centuries, the nature of power began to change in important ways. In a departure from the graphic displays of power through use of physical violence, such as drawing and quartering criminals during the times of the French monarchy, power came to take on more subtle forms through what he called the 'disciplines'. With the concept of the 'disciplines' Foucault articulates his central contribution to the study of power, namely, his appreciation of the inherent relationship between power and knowledge. As he argues, power is always accompanied by particular forms of knowledge and forms of knowledge are always accompanied by power.

How does this power/knowledge nexus actually operate? He argues that discourse is the primary vehicle for power/knowledge to operate. However, power/knowledge also operates where discourse is not articulate consciously, but rather, as subjects engage in socially normative practices where we can understand such action as being responsive to "unwritten rules". In *Discipline and Punish*, Foucault shows how the development of natural and social sciences have created particular 'truths' and that these truths, operating and disseminating through discourse, cause individuals to act and present themselves in ways that conform to particular relations of power in society, not because individuals are coerced into particular actions and presentations but through the expression of what they consider to be their own agency.

In this way, Foucault's work deemphasizes agency and does not consider subjects in society as being agents who enact their will freely. Rather, for him, modern power operates in the most insidious form—control through freedom. Put another way, while Foucault does not

use the language of "norms" and "values" necessarily, he understands power as operating through subjects who acts in response to dominant norms and values in society without appreciating that such norms and values are the representations of particular forms of power/knowledge that operate to "discipline" subjects into conformity that results in the perpetuation of a particular order of power in society. This links to Foucault's notion of "governmentality" (Foucault, 1991a, 1991b, 1991c, 2014a, 2014b), a term that I would argue Foucault chose for its literal interpretation—govern-mentality. Individuals govern themselves, control themselves, discipline themselves through the dominant truths, knowledges, and discourses in society.

3.4 Foucault and socio-legal studies

While Foucault's body of work is clearly relevant to a range of disciplines and topics of study, its application to law is less straightforward, given that Foucault never developed a full theory of law. Yet, numerous legal scholars have considered and debated how his work can be productively incorporated into issues of relevance to the study of law. Such works have proposed various approaches to the application of Foucault to the fields of socio-legal studies (Hunt, 1992a; Hunt, 1992b; Silbey, 1992; Simon, 1992), sociology of law (Hunt & Wickham, 1994) and legal studies (Baxter, 1996; Golder, & Fitzpatrick, 2009; Golder & Fitzpatrick, 2010; Simon, 1994). Other scholars have focused on Foucauldian applications to particular areas within the study of law such as legal pluralism (Walby, 2007), legal feminism (Munro, 2001), law and disciplinary power (Smith, 2000), law and governmentality (Wickham & Pavlich, 2001), law, freedom, security (Wickham, 2006) as well as "proper" legal subjects and the binary, categorical structure of law (Sharpe, 2009).

Foucault's theories, concepts, and methods have also been fruitfully applied to critical criminology, with scholars considering the relationship between Foucault's genealogy and criminological knowledge (Garland, 1992), disciplinary power and police tactics (Herbert, 1996), crime and governmentality (Garland, 1997), and criminal law (O'Malley & Valverde, 2014). A body of scholarship has also engaged with Foucault's work as it pertains specifically to penology and penality (Garland, 1991, Smart, 1983), such as Howe's feminist analysis of penality (1994), imprisonment (Alford, 2000; Farquharson, 2008; Mincke, & Lemonne, 2014; Pratt, 1993; Zimring & Hawkins, 1993) and other environments of enclosure, such as Driver's (1985, 1994) work on spatial control and Deleuze's (1992)

concept of *societies of control*, which he says are "in the process of replacing the disciplinary societies" (p. 4).

Hunt (1992) declared that Foucault engaged in an "expulsion of law" throughout his work by conceptualizing law as the primary form of power in the premodern era—the power of the sovereign—and thus concluding that law is a less relevant expression of power in the modern era, in which power expressed through discipline and government is much more salient and pervasive. Hunt continues this line of argument in his co-authored book, *Foucault and Law: Towards a Sociology of Law as Governance* (Hunt & Wickham, 1994), which offers a deeper inquiry and analysis into Foucault's thinking on law and builds on that analysis by attempting to "retrieve" a Foucauldian approach to law in order to construct a new framework for the sociology of law called "sociology of law as governance".

The authors' premise is that "law never formed a central interest or focus for Foucault" even though "he has a great deal to say about law and even more that has legal relevance" (1994, p. vii). In their view, Foucault consistently conceptualizes law in terms of a negative form of power which is primarily expressed through prohibitions backed by the threat of coercive sanctions, which Foucault called a "juridico-discursive" conception of power (Foucault, 1978).

Yet, Foucault acknowledges that, despite the shifts in the way that power operates in modernity, power remains typically conceived of in terms of law: "It's the characteristic of our Western societies that the language of power is law, not magic, religion, or anything else. (Foucault, 1980b, p. 201). This is precisely why Foucault was insistent on letting go of the notion of power as law, calling for us to "cut off the head of the king" (1978, p. 89): it obscures how power actually operates today. As Hunt and Wickham explained, for Foucault, "law functions as the mask of real power and domination and vehicle of legitimation". (1994, p. 48).

Hunt and Wickham argued that because of the ways in which Foucault sees state legal systems as irrevocably links to notions of sovereignty and the "juridical monarchy", he "presents law as being essentially *premodern*" (Hunt & Wickham, 1994, p. 44). They concluded that Foucault insists "on some basic incompatibility between the form of law and the new disciplines. This incompatibility arises only from his own insistence on the unbreakable link between law and sovereignty and the command model of law that it generates". (1994, p. 58)

The authors ultimately reject this view of law, abandoning Foucault's unitary model of monarchical law by insisting that "like all other social relations law is subject both to change and variation in form" (1994, p. 58). This insistence forms the basis on which they build their project of "retrieval of law" which culminates in their concept of "sociology of law as governance" by which they define governance as "any attempt to control or manage any known object. A 'known object' is an event, a relationship, an animate object, an inanimate object, in fact any phenomenon which human beings try to control or manage" (1994, p. 78).

Chapter 4
Methodology

To collect data used to answer the research questions, the study employs a literature review and qualitative research methods in the form of semi-structured interviews with the social workers in an open and closed prison, as well an internship in open prison during the autumn of 2015 where I participated in the daily work in open prison . An appropriate methodology given the study's aim to derive a deeper understanding of the complex situation of rehabilitation processes in the two types of prisons. This chapter presents the methodology which has been applied throughout this research, including details regarding how the study was performed and why the chosen methods were used. The following presents a discussion of the validity, reliability, and generalizability of the data, as well as ethical considerations and the strengths and weaknesses of the chosen methodology.

4.1 The choice of research method

The purpose of the present study is to investigate the effect of prison social workers on the social rehabilitation programs in open and closed prisons and how the prison context—whether open or closed—shapes their work. Specifically, this research seeks to describe and analyze prison rehabilitation programs and their implementation in open and closed prisons, viewing them as distinctive training organizations, and to share thoughts, opinions and experiences of the social workers engaged in them. Thus, to achieve these objectives, the study utilized semi-structured interviews as its principal method for data collection, in an attempt to understand and describe the interviewees' experiences and the complex situations in which they work through the use of their own words. The use of in-depth interviews is deemed to be the best methodological approach for the study because, by allowing participants to express themselves in their own words, an in-depth understanding of the subject matter becomes possible (Brynard& Hanekom 1997:30). Studying the subject of prison rehabilitation programs from the perspective of social workers engaged in them allows me, as the researcher, to gain a closer look at them than would otherwise be possible, given

the restricted access to prisons. This method of data collection also offers me the opportunity to clarify the research questions (Silverman, 2009).

4.2 Data collection

The study used both primary and secondary data. The primary data was collected via semi-structured and unstructured in-depth interviews with social workers who work in Burg and Magdeburg prisons. In semi- structured interviews, the topic of the conversation often follows relevant themes, although it also gives the interviewed individual a chance to develop his or her account (Rossman, & Fallis 1998).

Secondary data was collected via relevant literature on the topic, including reports, books, and existing research. To aid in the collection of such secondary data, various Internet search engines and databases—primarily Google Scholar and Sage Publications—were consulted, using combinations of the following keywords: high security prison; open and closed prison; treatment; offender rehabilitation; punishment; social worker; and correction.Through literature I have tried to find   about the subject which have facilitated in the definition of the research topic. I have in the study's background as well as analysis section tried to provide a rich description of the from the German Prisonstudies, both from open and closed prisons scholars' perspectives in secondary sources.

4.3 In-depth interviews

In-depth interviewing is a method of collecting primary data from the actual field of the research, involving the "presentation of oral-verbal stimuli and reply in terms of oral-verbal response" (Kothari, 2004, p. 120). According to Kvale (1996, p. 1), the qualitative research interview can be used to understand the world from the subject's point of view and to explain the meaning of people's experiences. The present study employed this type of interview given the study's objectives to explore the experiences of social workers involved in rehabilitation process of prisoners in open and closed prisons.

I conducted an initial unstructured interview with a follow-up semi-structured interview with two social workers: one who worked in the Burg (closed) prison and another who worked in the Magdeburg (open) prisons. All interviews took place at the Magdeburg prison, as authorization for a visit to the Burg prison was not granted. The required security protocol involved time-consuming arrangements to make an appointment at the prison, which had to be done well in advance.

Furthermore, I sent an email in German to both social workers, presenting the purpose of the study. The email consisted of two parts: an information sheet (see Appendix A) and a survey containing 23 questions (see Appendix Bfor informants' details). I conducted all interviews in April 2016, each lasting for one to two hours. The interviews took the form of a face-to-face conversation and were recorded with the consent of the participants. They were all conducted in German, the native language of the participants and myself. In preparation for data analysis, I subsequently transcribed the interviews, with the relevant material translated to English. (see Appendix Cfor informants' details).).

4.5 Participatory observations

The experiences and observations that I conducted during the internship period have contributed to the ethnographic material for this study. This type of method is usually called 'participant observation'.The method helps the researcher to understand the insider's view through participation of the everyday lives of the group that is studied (Fetterman 2005). An important part of this method is fieldwork where the researcher is engaged and explores the routines and the daily lives of peopleand have a better understanding of the phenomenon. Furthermore, a large amount of the methodology is build on my own observations and knowledge that I have conducted during these processes. I tried to fully integrate into the daily life of the prisoners in open prison.Additionally,the first two weeks in Magdeburg open prison I started with participant observation in order to gain a general impression of how dailyexperiences in prisons work was organised. I followed social worker in their daily work on the areas which gave me a good understanding of the contexts.The advantages of having been an intern and having a good relationship with members of staff in open prison I can easily receive a clear picture of the open prison

4.6 Reliability, Validity, and Generalizability

In qualitative research, reliability refers to the extent to which other researchers can produce the same data or results by following a similar research design (Merriam, 1998, p. 206). In this study, reliability was influenced by the relationships and the rapport established between me and participants, which encouraged them to express their views, opinions, and experiences openly. To increase reliability, I investigated the rehabilitation program at Burg and Magdeburg prisons to verify the information obtained from social workers during the unstructured interviews. Similarly, the study included two social workers from open and closed prisons, whom I interviewed separately and at different times, using the identical interview guide. The obtained results demonstrated that the interview questions had clear meaning and relevance to the study's objectives.

Validity in qualitative research provides a clear picture of the phenomenon being studied through the descriptions of the data, categorizations, and interpretations presented by me (Kvale & Brinkmann, 2009, p. 246). Validity must be relevant to the purpose of the study. This study's use of semi-structured and unstructured interviews with open-ended questions allowed me to ask follow-up questions during the interview; the flexibility that this entails affords high internal validity. External validity, concerning the study's generalizability—the extent to which samples can be generalized to a larger population—is difficult to achieve in qualitative research, particularly when utilizing case studies and a limited sample of participants (Bryman, 2008).

The sample size of this study is relatively small which was resulting from two social workers, the aim was not to generalize it to a biggerpopulation. The purpose wasto gain a deeper understanding of a phenomenonand to get a deeper of the complex situation of rehabilitation processes in the two types of prisons. However, the interviews have given us a lot of valuable information in this sense.

4.6 Ethical Considerations

For this study, I have taken the issue of ethics into careful consideration. I did my internship but I had to take into careful consideration prior to conducting interviews, I obtained informed consent from participants by providing with important information about the study. I explained the subject matter, the study´s aim and purpose, and details of the interview process, including duration, and their right to withdraw participation at any time. I also informed participants about the measures taken to protect confidentiality and explained how the collected data would be processed and used, specifying that the material would be used for research purposes only, and that the field notes, interview recordings, and transcripts, would be stored in a locked file cabinet, to which I alone would have access. I further specified that the participants would remain anonymous in the final report, with any potentially identifying information removed.

4.7 Methodological Strengths and Limitations

The study relies on a limited collection of primary and secondary data. First, the sample size is quite small—only two interviews were conducted—impeding its reliability, validity, and generalizability. Secondly, due to the lack of available resources and existing studies on open and closed prisons, the secondary data used in this study was also limited. Neither study participant spoke English and I took great care to translate the interview content into English accurately.

The strengths of this study include the ability to compare the voices, views, experiences, and expectations of the two participants, with the hope of providing depth to the understanding of the role of social workers in prison rehabilitation programs in open and closed prisons, and the relationship between social work and imprisonment more broadly, which is lacking in scholarly literature.

Chapter 5
Analysis and presentation of results

This chapter provides the analysis of the data collected during in-depth interviews and from secondary data sources, illustrating the respondents' perception of their work in prison rehabilitation programs in open and closed prison contexts with use of direct quotes from respondents. In the following presentation, I first describe the daily structure and treatment activities in Burg and Magdeburg prisons. Next, I discuss each prison's specific rehabilitation program methods and compare how the ideal of successful rehabilitation is constructed in each prison context and how well it matches up to reality. I then detail the process of preparation of prisoners for release in Burg and Magdeburg prisons.

5.1 Daily Routine in Burg Prison

Life and work within Burg prison is highly regulated by a system of rules, with all daily routines controlled, structured, and planned in advance, including staff meetings, mealtimes, and the hours when the yard is open. According to the Burg social worker, at Burg, each day begins with prison officers unlocking the prisoners' cells at 06:00. The prisoners rise and prepare themselves for various activities, such as school, work, or participation in programs. A range of educational and vocational programs, such as construction, are provided in Burg prison.

Paragraph 37 in the German penal code states that prison work is obligatory; thus, the work obligation of prisoners within German prisons is an important feature of their daily life, representing one mechanism for their process of rehabilitation. Prison work includes woodworking, metal working, routinely assembly work, cleaning, and various service and maintenance work. Prisoners may perform tasks such as preparing meals in the kitchen, keeping buildings in good repair, or running the laundry and cleaning. They may also work in various workshops from which they produce items for German companies. School and work continue until 16:00; after that, prisoners are returned to their cells again (Burg social worker).

Many prisoners both work and attend classes, as the law states that it is compulsory for prisoners to participate in educational training or to work because both work and education, as part of the rehabilitation process, can significantly reduce the risk of re-offending following the release from prison. According to the Burg social worker, work is good for prisoners, as it enables them to gain new skills, training, experience, making it easier to obtain employment after their release.

5.1.2 Treatment Program in Burg Prison

Social worker in Burg prison stated that once prisoners arrive at the prison and begin to serve their sentences, they must receive the necessary counseling, medication, and treatment programs; the prison is responsible for establishing a customized treatment plan for each prisoner. The goal of the plan is to support prisoners and create the best conditions for the successful release whereby they can return to the community and ultimately succeed in breaking the cycle of crime (James, 2015).

Traditionally, the treatment plans at Burg prison consist of various programs and activities, including education, specific therapies as recommended by counselors, and gaining job experience through different job opportunities supplied by the prison. The treatment program is carried out in small groups of 10 to 15 prisoners. Most programs are designed to assist them in addressing their offending behavior. As Social workers in Burg stated that social worker adopt an initial role in the assessment of all new prisoners, and in developing personalized prison plans which are suitable for them which, in the case of murderers, sexual predators, and other violent offenders may involve treatment by prison psychologists. All prisoners are required to participate in program activities, and they may only participate in one program at a time. There are also court-ordered arrangements which prisoners must follow.

From a Foucauldian perspective, discipline is achieved by controlling prisoners through the various treatment programs and work. Foucault (1977, p. 129) described discipline as "a way of controlling the movement and operations of the body in a constant way…a type of power that coerces the body by regulating and dividing up its movement, and the space and time in which it moves." Since a primary purpose of total institutions, such as prisons, is the control or disciplining of an individual's body and behavior, it is important to

understand the function of treatment programs within these institutions. According to social worker the correctional authorities forceprisoners to participate to in treatment programs.

Social worker explained that there are several types of treatment programs that are offered in Burg prison. The programs include dialectical behavior therapy, social training, substance abuse programs, and anti-violence training. The following commentary provides a brief overview of each program area, and is followed by a description of offender programs, based on the account of the Burg social worker.

Dialectical behavior therapy

Dialectical behavior therapy is a cognitive behavioral treatment. The program is based on talk therapy, whereby prisoners are able to speak about their crime, how they feel about it, and why they did it. This therapy helps to change offender behavior by aiding prisoners in identifying their strengths in order to build on them, which, in turn, causes them to feel better about themselves and their life. The dialectical behavior program can run from six months to one year. Prisoners participate in treatment groups for four hours per day, Monday through Friday.

Social training

The social training program emphasizes the psychosocial aspects of treatment. The program consists of 12 lessons, each lasting for 60 minutes. Prisoners talk about their emotions and how to act on their feelings. Particularly serious offenders, such as sex offenders, repeat offenders, and those with psychosis, can serve their sentences in a social therapy institution. Prisoners can participate in social training activities even when not required. In group seminars, the prisoners are exposed to frustrating situations and everyday problems through role-playing activities to help them identify solutions and adjust their behavior.

The substance abuse program

Scholars (Kolind. T, Frank V.A, Dahl. H, (2010) argue that the substance abuse is one of leading and most complicated health and social problems and faced by prisoners. The substance abuse program are intended for offenders with serious substance abuse, such as alcohol and prescription medication. The program emphasizes social anamnesis about health and healthier lifestyles as well as reducing drug use, and distinguishing drug use from

addiction. Prisoners are given the opportunity to participate in the course at the beginning of their sentence. There is no time limit on the program; it is always available. Once the offenders have participated in the program for a few months, it is possible that members of their family will be brought in to participate in the program, therefore providing support and motivation for the offender. Every month, the prisoners are examined by the prison's doctor. In special cases, where additional help is appropriate, the prohibitions office in Magdeburg helps the prisoner or ex-prisoner with a serious drug problem to find hospital placement within the community outside the prison to continue the substance abuse program.

Anti-violence training

The anti-violence program is designed to help prisoners develop responsible foundational responses to the different types of crimes. The program consists of cognitive-behavioral-based psychotherapy groups, which include sexual self-regulation deficiency and sexual deviancy. The program content focuses on strategies using role-play and modeling to show how a victim may feel in a violent scenario. Social workers and psychologists share responsibility for administering the program.

Other activities

Prisoners are offered a wide range of leisure activities, such as football, gym, yoga, pilates, creative art therapy, and reading. These activities are available with and without guidance. Additionally, prisoners are allowed to visit other prisoners in their cells from 17:00-19:00.

As part of the rehabilitation program, the prisoners can keep in contact and interact with people outside the prison. Burg prison encourages prisoners to socialize with families and friends through visitation. However, visiting prisoner is not always easily accessible; if a prisoner wants to receive a visit from family or friends they must ask the prison authorities for permission. Furthermore, these visitations are time-limited and fully controlled by the prison authorities. In many cases, visitors are the only contact prisoners have with the world outside of the prison walls. Visitation can provide multiple benefits to prisoners, offering them a sense of hope and resiliency during incarceration, while also improving prison safety and prisoner re-entry to the community. In addition to visitation, prisoners are allowed to make phone calls via payphone receive and send letters, which are monitored and controlled by prison authorities.

5.3 Space and time in Magdeburg

Open prison, given the distinctive physical structures and lighter forms of control over prisoner mobility in open prisons such as Magdeburg. Compared to Burg prison , Magdeburg has more lenient formal administration over prisoners. The lack of bars and locked cells allows prisoners more freedom to move around in and out of the institution. Magdeburg has a very small prison population, just 13 prisoners. The main purpose of the open prison is to prepare prisoners for release into community after their sentences are completed. In other words, through the process of rehabilitation, prisoners must be deemed as reformed before they can reintegrate into society. The open prison provides prisoners with the necessary support and structure during transition back to society and to interactions with their families, friends, and communities.

However, Magdeburg, as an open prison, is still a strategy of control, the nature and use of which is reflected in Foucault's (1977) concepts of power and knowledge. Like Burg, Magdeburg is a highly regulated institution with specific rules and requirements. Before they can serve their sentences in Magdeburg, prisoners must fulfill certain conditions. They must be deemed trustworthy and are required to work and take responsibility for themselves and their behavior. From a Foucauldian (1977) perspective, the work in which prisoners at the open prison engage represents a tool in the system of surveillance, discipline, and control operations within the prison. Foucault explained the disciplinary process this way:

> Discipline creates out of the bodies it controls four types of individuality, or rather an individuality that is endowed with four characteristics: it is cellular (by the play of spatial distribution), it is organic (by the coding of activities), it is genetic (by the accumulation of time), it is combinatory (by the composition of forces). And, in doing so, it operates four great techniques: it draws up tables; it prescribes movements; it imposes exercises; lastly, in order to obtain the combination of forces, it arranges 'tactics' (1977, p. 167).

These four disciplinary characteristics are easily found within the open prison, particularly in the ways in which the prison authorities both control the inmate—namely, through

maintaining control over space and time—and allows for the process of normalization to occur. In Magdeburg, prisoners are watched and monitored at any time. Thus, through such surveillance, prisoners discipline and control their behavior.

Disciplining prisoners' bodies also occurs via planning the prisoner's movements in time and space. The control of time and space in the daily life of prisoners at Magdeburg occurs through structured work and education programs, and free time activities. Prisoners are offered the opportunity to leave Magdeburg during the day to work in the community; they also work within the prison, for example, in the kitchen and laundry room. From Monday to Friday, the prisoners at Magdeburg rise around 06:30, although this varies depending on each prisoner's individual work responsibilities for work or school attendance. The day ends by 16:00, depending on the season, with prisoners working a little longer during the summer (social worker). Magdeburg also has a school, which, according to the Magdeburg social worker, runs from 8:00 to 16:00. After completing their educational or work obligations for the day, prisoners are given permission to leave Magdeburg for specified periods of time; they cannot leave whenever they want.

In both open and closed prisons, all activities take place within a prefigured schedule dictating where and when the prisoners are to be at every moment of the day (social worker). Yet, open prisons such as Magdeburg are defined by the greater, though still limited, freedoms afforded to prisoners, compared to closed prisons, in a carefully construed blend of imprisonment and exposure to the outside world. At Magdeburg, prisoners have greater mobility, although in certain circumstances, they lose their right to such freedom of movement when they have violated prison rules. So, while prisoners are not able to walk out of Magdeburgwhenever they like, they are allowed limited periods of time when they can leave the facility. If prisoners do not return by the prescribed time, they may be sanctioned by prison authorities.

Furthermore, during my internshipI saw howprisoners must submit external employment schedules so the prison authorities see when and where they are working, another example of how discipline occurs through planning the inmate's bodily movements in time and space. As Foucault (1977:167) explained, the discipline created out of the bodies, in turn, controls the prisoner's behavior and thoughts. Disciplining prisoners thoughts and attitudes is a particularly important component of the rehabilitation process, preparing them from successful reintegration into society after release

5.3.1 Treatment program in Magdeburg

Unlike Burg prison, Magdeburg does not provide any rehabilitation programs for prisoners, apart from the school. Instead, Magdeburg prisoners must visit the Burg prison facility in order to participate in any treatment or therapy programs. Such programs include presentation and analysis, victim empathy, and work on the offence. These programs use methods and strategies such as psychotherapy, client-centered counseling, group meetings, methods for capacity building and expansion, and skills management. The programs operate from Monday through Thursday 09:00-15:00 and Friday from 09:00-13:00. While prisoners do participate in these programs, work is generally considered to be their top priority.

5.4 Rehabilitation in open and closed prisons in Germany: A Foucaldian approach

5.4.1 Imprisonment as disciplinary power

Penal power operates different in closed and open prison settings. In closed prisons, there is an emphasis on corporal power, control of bodies in spaces, high surveillance, punishment, though some rehabilitation exists. In open prisons, corporal power is different. There is still high surveillance but it is more internalized, as prison officials track inmates' movements in and out of prison. There, the emphasis is on rehabilitation and the transition to freedom.

5.5.2 Open prisons: Internalizing "the disciplines"

Prisoners in both closed and open prisons but open prisons in particular, internalize the disciplines (tidiness, punctuality, respectfulness, etc.; see Hunt & Wickham, 1994, p. 49). The very fact that they are allowed to be in the open prison means that they have internalized the disciplines; it is only those who are close to their release date that qualify for open prison, as well as those who have records of good behavior, etc. (also note, massive recording, scrutinizing). Those in closed prisons are still being 'trained'; need to be surveilled directly, have their movements, activities monitored, scheduled precisely, etc. in open prisons, allowed to leave, more freedom, because they have already been trained, they are free to move out of

the prison because the prison is now inside of them. And the threat to stay 'in prison' longer is what keeps them self-disciplined—if they break the rules of the open prison, they'll go back to the closed prison and maybe even extend their sentence. If they leave the open prison ostensibly for work and don't ever come back, they are free in a certain sense but trapped by their status as a fugitive. That in itself limits their mobility, their freedom to go and do as they wish, work where they want, etc. In the language of Foucault, they have adopted the norms of the disciplines; they have become 'normalized'. It's about conformity. 'deviance involves the infraction of a norm' (Hunt & Wickham, 1994, p. 50)

5.6.2 Rehabilitation as bio-power

In analysing German prison law from a Foucauldian perspective, we can see that the constitutionality of rehabilitation inscribes bio-power into the penal system; bio-power and disciplinary power become intertwined in the prison setting. Law here is doing just as Foucault said: it covers up the power relations that are actually operating. The concern for the rehabilitation of prisoners is not about prisoners' rights; it's about returning these individuals to being productive members of society, so that they may be useful. This is classic bio-power: talk of improving welfare of individuals and the population as part of the increasing ordering in all realms. There is so much ordering and scrutinizing, recording, classifying of these prisoners. Who has been rehabilitated to what extent and in what ways? Diagnose their problems first; they are delinquents; they are outsiders (this is also where heterotopia comes in). They are non-normalized. Rehabilitation is about re-normalizing them. And this is done through the disciplines, primarily surveillance. And the increasing internalization of surveillance which first allows them to qualify for open prison and then qualifies them for release.

The pressing question is: when are they deemed rehabilitated enough for release? And why do the social workers have so much power in deciding that? Is the underbelly of rehabilitation indefinite detention? What about those who are never deemed rehabilitated? What about when their prison sentences are up? How does the legal system and prison system reconcile the sentence with the requirements of rehabilitation? As Baxter (1996) explained,

> Foucault offers, first and foremost, a way of elaborating the social and historical setting in which legal structures and communications operate. His account of the 'network' or dense web' of social relations emphasizes the importance of knowledge,

particularly expert knowledge, in the process of constituting, reproducing, contesting, and transforming relations of power. Foucault's polemical dismissals notwithstanding, law is both product and producer of this ceaseless process. Law, no less than the discursive practices Foucault analyzed in detail, provides resources both for the exercise of power and for resistance to power." (pp. 477-8)

5.6.3 Mobility, freedom, punishment, and docile bodies

Freedom of mobility is a center part of this story of open and closed prisons. The degree and type of mobility is precisely what distinguishes the open prison from the closed prison. Mobility is the principle thing taken away from prisoners when placed in closed prisons. In a way, imprisonment is, by definition, about immobility. Immobilization is the principle punishment dispensed through imprisonment. One of the purposes of imprisonment is to punish through immobilization. Immobilization also has other functions: keeping dangerous criminals 'off the streets' which protects society, keeps it safe, reduces harm in society. And it also offers the opportunity for rehabilitation—put you in a place, force you to be there, you can't leave, and subject you to 'rehabilitation' programs—fix you before you are released back into society so that society is, again, protected.

If prisoners were free to move wherever they wanted, they would certainly not remain in a prison. They are there because they are forced to be there. Their mobility has been taken away. Yet, not completely. Rather, it is severely restricted and monitored. There are only certain places they can move about and only at certain times and they can only do certain things in those places at those times. All within the confines of the prison. So, it is about movement, activity, time, and place—the rules regarding your mobility involve all four elements. In open prisons, their restrictions are certainly lessened—they can even leave the prison for the whole day—but they are not removed completely. There are still restrictions on where they can move, and when, and what they can do. They can work. They cannot take drugs, consume alcohol nor do anything illegal. I imagine they submit to drug and alcohol tests upon return to the prison at the end of the day. These tests are part of the measuring, scrutinizing, testing, evaluating, probing of the body that is part and parcel to incarceration. All part of disciplining the body—a reflection of carceral power. Prisoners must return to the open prison by a particular time of day, so here again, time with regard to place is still important. All of these rules are encased with the threat of loss of mobility. In the open prison, mobility is less restricted. Those restrictions can and will be put back in place if the

rules are violated. This threat of immobility causes the prisoners to discipline themselves, to further internalize the disciplinary power that made them qualify for a place in the open prison to begin with. Also, the open prison, as part of the rehabilitation program broadly, is thus part of the bio-political scheme to cover up the disciplinary power and bio-power and logic that lies beneath the show of concern for the 'recuperation' of prisoners. Rehabilitation is a bio-political project that, in addition to serving bio-power directly by producing 'docile' and useful bodies out of prisoners but also indirectly by obscuring bio-power—it appears to be serving the interests of the prisoners but really, it is serving the interests of the state.

5.5 Social method with prisoner and ex-prisoners in Burg and Magdeburg prisons

The formal rules of prison aim to both rehabilitate prisoners closely control their behavior and movement. The prison demands prisoners to adapt to life in confinement. However, as discussed in literature reviews many prisoners face difficulties as they try to withstand life in prison, forced as they are to adapt to dramatic changes, with parts of their life completely closed off. Yet, in order to survive the prison experience, prisoners must accept the way of life in prison (Lazarus & Folkman 1984). As (Bernd & Maelicke, 2009)outlined in his discussion of the role of social workers achieving rehabilitation depends on the interactions between prisoners and staff. As the Burg social worker reported, "It is important that there is trust and confidence between prison staff social worker and prisoners". Social workers play a vital role in motivating the prisoners in their treatment process and, overall, contribute greatly to the potential rehabilitation and treatment of prisoners by helping and supporting their activities. Social workers also provide release planning services for prisoners which aid them in making a successful reintegration into society (Bernd & Maelicke, 2009).The interactions between prisoners and social workers are important in motivating the inmates in their treatment they can also assist prisoners with the practical challenges associated with reintegration.

According to social worker prisoners may engage in three primary methods of rehabilitation. These methods include: (1) the empowerment approach; (2) capacity building; and (3) life-world orientation. The purpose of the empowerment method is to identify the prisoner's areas of competence and use them to help improve their behaviors after they are released, to take responsibility, and to further develop and promote competence. The capacity

building method involves fostering and encouraging the prisoner to be self-sufficient and independent. This method is a low-threshold treatment. Individuals participating in this method do so while completing their sentence and continue after their sentence has been served. The life-world orientation takes an approach wherein the prisoner's past behavior is not judged; they do not examine their backgrounds or the crimes they committed. Because of the different cultures of the prisoners, each prisoner is treated as an individual in the context of his culture.

Social workers in open and closed prisons have observed that there is no one rehabilitation theory used in working with prisoners; rather the rehabilitation theory is based on their experiences from the many years of work with prisoners. According to them, successful rehabilitation begins with an individual therapy, where each prisoner is treated with the same degree of respect .According to the Burg social worker, *"There is no one method for successfully rehabilitating prisoners; it is important to bear in mind that many prisoners do not have same problems, thus some approaches work better with different types of people."*

Many prisoners seek individual therapy. Those who receive it are evaluated and treated individually, depending on the resources and skills available. (Lentzy, 2016). Yet, despite the high demand for individual therapy and other services provided by social workers, Burg only has 13 social workers for 634 inmates. According to the Burg social worker, there is a need for more social workers to fill positions in prisons.

5.5 Preparing prisoners for release in open and closed prisons

Once a prisoner is released back into society, the transition is difficult, regardless of the amount of time served (Lentzy, 2015). Ex-prisoners have conceded that after being incarcerated for long periods, returning to society is not an easy task (Lentzy, 2015). *Ex-prisoners face many challenges during their reintegration into society, according to the social workers at Burg and Magdeburg prisons. There is no pre-release program in either open or closed prisons. However,as social worker stated in Burg, most prisoners receive some limited pre-release support before re-entry to society.*

Social worker in closed prison indicatesthat many ex-prisoners who served their sentences at Burg prison, have a difficult time adjusting upon release. They face difficulties in securing stable living accommodations. Additionally, ex-prisoners often lack skills sufficient to compete successfully in the workforce; as a result, they struggle with finding jobs. Ex-prisoners may also lack self-discipline after serving long sentences, making self-reliance difficult. Overall, they strain to adapt to their new roles and responsibilities.

However, resources for ex-offenders do exist. The European Union, through funding from the ZEBRA project, offers aid and support to ex-offenders. The free Probation of Offenders program in Magdeburg prison is also available to offenders, providing them with release support services, including assistance with job placement, locating housing, and other life skills training. Another program, the VSB, is available to Magdeburg prisoners beginning six months before release. And prisoners at open prisons generally are able to renew their identity cards, social security numbers, Tax ID Numbers, driver's licenses, employment contracts and life insurance prior to release (Lentzy, 2015).

As discussed earlier, the provision of aid and support to offenders before they are released provides them with ample opportunities to participate in education and training programs to improve and expand their job skills. The counseling services offered to ex-prisoners help them adapt to their new environment and cope with new challenges. The programs evaluate their clients' needs, whether job training, substance abuse treatment, or financial support for court fees. Many prisoners face intractable debt to the state, and the financial services provided by these programs guide them through the pay-off of their debts. The free Probation of Offenders program also provides a support system for their family and friends with supervised counseling (Lentzy 2016).

Chapter 6
Summary and discussion of the findings

This study analysed the complex situation of rehabilitation processes in the two types of prisons in an open and closed prison in Saxony-Anhalt, Germany. The results demonstrate the presence of dynamic and comprehensive rehabilitation treatment programs available to prisoners at the two open and closed prisons involved in this study, Magdeburg and Burg prisons, respectively, including a wide range of activities such as educational and vocational training, various forms of work, psychological assessment, and an array of therapies, from cognitive-behavioral to drug abuse treatment.

At Burg, prisoners are involved in structured daily programmes which provide education, training, and psychological services. However, successful rehabilitation of prisoners serving sentences in a closed prison like Burg is made difficult because of the ways in which they are cut off from the outside world, including the limited access to existing social ties, such as friends and family, and the physical separation from society maintained through the structure of the prison, with its high walls, barbed wire, surveillance cameras, and locked doors. In order to undergo a life sentence, they must adjust in prison life, as Bonta & Gendereau, 1990; Cohen & Taylor, (1972) emphasize they engage in a more prison programmes and are better adjusted to the disciplinary aspects of prison life.

The study has utilized a theoretical framework primarily informed by Michel Foucault's theories of power (1977) Foucault argued that power became embedded in the disciplinary system of the modern art of punishment; therefore, prisoners discipline themselves through their daily activities. Thus, Foucault claimed that prison changes prisoner patterns of behavior.

The results of this study demonstrate that both Burg and Magdeburg, as closed and open prison systems, effectively use discipline and surveillance technologies to control prisoners, albeit in different ways. Thus, prisoner life at Burg prison, as a total institution, was dramatically different than at Magdeburg prison, which, given its open qualities, does not

qualify as a total institution. The implementation of rehabilitation programs in open and closed prisonconstitute the maintenance of control over the prisoners.

From the previous research and analysis part shown how the social workers make use of a variety of different methods and skills when working in the prison. Even though ,in Burg prison, social workers contributed to the control of prisoners' bodies and behavior through a form of benevolent surveillance, as they worked closely with their prisoner clients, offering them a variety of support services to aid their rehabilitation process. Prisoners are forced to adopt rigid, institutionalized routines and live in a highly regulated, time-structured environment. Thus, their everyday life is completely organized and controlled by the institution. Consequently, the prison completely removes the inmate from the outside social world, leading to lose contact with outside life, including family, friends, work, and housing. At Magdeburg prison, where prisoners were deemed more trustworthy than their counterparts at closed prisons, the exercise of control over the bodies and behaviors of prisoners was expressed differently. There, daily life was organized through highly controlled routines, strictly monitored movement in and out of the prison during certain fixed hours, and participation in work and educational programmes outside the prison as part of their preparation for release.

The results of this study suggest that the services offered by Burg prison to help prisoners reintegrate after release are limited. Such services are difficult for prisoners and ex-prisoners to obtain on their own.Similarly, findings found in the previous study done by Caneda et al. (2010, p. 3(agreed with the above views that many ex-prisoners struggle to cope with the social stigma of having been imprisoned, especially those who served long sentences, and have difficulties finding accommodations and job, leading to a high rate of recidivism. The process of preparing prisoners for life outside prison walls is complicated, particularly for those serving long sentences. The existing literature has shown that rebuilding one's life after prison is no easy task, as many ex-prisoners struggle to find a place in society after their release When they are released, many lack the necessary social support to return to a normal life; left on their own, they often do not know how to achieve it. First and foremost, upon release, they need to secure housing and employment. To do so, they often require support services to aid them in the process. According to the Burg social worker, many of the prisoners there have poor academic and occupational skills and substance abuse problems. Unless these deficiencies are addressed prior to release from prison, they struggle with reintegration, particularly in finding a job. As a result, many end up returning to prison.

Unlike Burg, prisoners at Magdeburg, because they are able to leave the prison for limited periods of time, have the opportunity to seek counseling and other support services on their own, receiving guidance on how to get help for their problems, whether related to housing, employment, or drug and alcohol abuse. The greater freedom of movement and responsibility to make decisions concerning their own future afforded to them at Magdeburg also positively contributes to their successful reintegration after release. The findings of this study indicated that the provision of aid and support to offenders in Magdeburg has important social elements which support its goals of rehabilitation and preparation for reintegration. The support services at Magdeburg provide prisoners with a secure place to build self-esteem that, in turn, promotes learning and job seeking skills through training and counseling, all of which benefit prisoners greatly. Given that Magdeburg, as an open prison, is itself part of the larger system of prisoner rehabilitation, it relies on trust in the prisoners who have demonstrated their worthiness of completing their sentences at Magdeburg, as opposed to Burg, and thus exercises minimal control over them, compared to Burg.

As previously discussed, not all prisoners are eligible for placement in open prisons such as Magdeburg. Those who do serve the last months of their sentences in an open prison have better opportunities to successfully reintegrate into the society. This is particularly important for prisoners who have served long sentences, as their time in the open prison provides them with a gradual transition period, giving them the time, resources, and freedom of movement out of the prison to make the necessary arrangements for after their release. At Magdeburg prison, prisoners are able to establish contacts and develop new social networks through friends and family, receive support in securing housing and employment, counseling to aid them in staying away from criminal activities, and financial assistance.

The study findings lead to the conclusion that, in Germany, the prisoner rehabilitation services and programmes show an awareness and understanding of the needs of prisoners to successfully reintegrate after release and that open prisons, such as Magdeburg, are vital institutions for the rehabilitation process. Open prisons also help prisoners find meaning in their incarceration. Conversely, at Burg prison, the potential for successful rehabilitation and integration after release is much more limited, especially for prisoners who have been incarcerated for long periods.

Chapter 7
Conclusion

The overall objective of the present study was to explore the process of prisoner rehabilitation in open and closed prisons in Germany, using the cases of Magdeburg and Burg prisons and how the prison context shapes the work of social workers involved in rehabilitation programs at Magdeburg and Burg prisons.In analysing German prison law from a Foucauldian perspectivethe result conclusively shows thatbio-power and disciplinary power become intertwined in the prison settingprison.

German penal law has laid a solid foundation for successful rehabilitation of prisoners through the combined use of the open and closed prison systems, with their differential forms of security. As a whole, the German correctional institution represents a disciplinary facility designed to alter prisoners' behavior patterns. However, the concern for the rehabilitation of prisoners is not about prisoners' rights; it's about returning these individuals to being productive members of society, so that they may be useful

 This study found that the implementation of rehabilitation programs in open and closed prison constitute the maintenance of control over the prisoners. Both open and closed prisons have rehabilitation programs in place to aid in the reformation of prisoners that will lead to the successful reintegration in society upon release. One of the study's key findings is the open prison, as one component of the German penal system, plays a critical role in the prisoner rehabilitation process. The rehabilitation programmes are designed to build the prisoners' character through disciplines.The results of this study and the related literature showed that prisoners at open prisons such as Magdeburg are more successful in their efforts to be rehabilitated and prepared for life after release compared to their counterparts who remain at closed prisons such as Burg. Allowing prisoners to leave their cells and the prison to work in the community during the day while they complete their sentences increases their chances at successful societal integration afterwards. Conversely, closed prisons such as Burg, operating as total institutions, provide prisoners with less support for their transition upon release, especially those serving long sentences. As showed it in previous research how

to cope with imprisonment, they must learn to adopt new lifebio-power and disciplinary power become intertwined in the prison setting

Furthermore,the results of this studyrevealed thatsocial workers have become an integrated part of the German correctional system and the prison has therefore benefited from a growing interest among correctional system. The approached that carried out by social workers having a participatory role in the welfare work for inmates includingto prepare the inmates for life outside the prison after release from the prison. Through interviews with social workers at Burg and Magdeburg prisons, the study found that ex-prisoners experience numerous difficulties in their attempts to rebuild their lives after prison. Such difficulties arise from a number of interrelated factors including challenges in securing housing and employment, demonstrating that there is still much work to be done to better support this population in their return to society.

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APPENDIX A

LETTER OF INFORMED CONSENT

April 5, 2016

Dear Sir,

The research from this study will be used for Lana Osment's Master Thesis at the Lund University. The thesis is supervised by criminologist Ida Nafstad. For my thesis, I would like to examine the rehabilitation programmes in the open and closed prison in Saxony-Anhalt and to see a comparison and contrast between closed and open prison systems.

The interviews would last about one, to maximally, two hours. I will ask questions about your experience with the treatment program and activities within a closed and open prison systems. All of the information you share will stay anonymous. Your name will not appear in any thesis or report resulting from this study. Since German is my second language, I would like to tape-record them so I can listen to them again later. I would be grateful if you would sign this form giving me permission to record our conversation?

I look forward to speaking with you and thank you in advance for your assistance in this project.

Sincerely,

Lana Osment

APPENDIX B

Interview

1. Can you tell me about your position here? What is job title? What is your role in the department?

2. What is the purpose of rehabilitation for prisoners?

3. What are the most successful methods of rehabilitation?

4. Are some offenders treated differently to other?

5. Is there a theory about how best treat offenders?

6. Do you use a specific theory or methodology theory about how best treat offenders?
7. What methods and strategies are used in this program? Examples of activities
8. What times of the day does the programme run, and for how long and where?
9. How many prisoners are enrolled in the prison education program?

10. How many prisoners are working?
11. What type of jobs do prisoner have?

12. Do you have enough teachers for the program?
13. Do you have group program or individual program?
14. What offending-based needs are targeted by this program?
15. Who decides on changes to the program content?
16. Who makes decisions about programs within this state/institution?
17. How many instructors train inmates for this programme and how do you get these instructors?
18. Are the instructors or teachers non-prison staff or prison staff?
19. What do you think are the most important needs of prisoners   ?
20. In what ways do you check the participants learning or change?
21. What are the limitation to rehabilitation programs in a closed /open prison ?
22. What are the strengths to rehabilitation program in a closed/open prison?
23. How do manage the different roles as a prison employee-care (rehabilitation) punishment (imprisonment)

Last question :

Do you have any questions about my research or about our conversation?